

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

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RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 43 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 8-1-38 IS ADDED TO THE INDIANA CODE AS
- 4 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
- 5 1, 2008]:
- 6 **Chapter 38. Electric Utility Tree Trimming Practices**
- 7 **Sec. 1. (a) As used in this chapter, "affected property owner"**
- 8 **means the record owner of real property on which a utility plans**
- 9 **to perform tree trimming.**
- 10 **(b) The term does not include a property owner that is a**
- 11 **governmental unit.**
- 12 **Sec. 2. As used in this chapter, "tree trimming" means:**
- 13 **(1) the trimming or pruning of one (1) or more trees; or**
- 14 **(2) the cutting down and removal of one (1) or more trees.**
- 15 **Sec. 3. As used in this chapter, "utility" refers to any of the**
- 16 **following:**
- 17 **(1) A public utility (as defined in IC 8-1-2-1(a)).**
- 18 **(2) A municipally owned utility (as defined in IC 8-1-2-1(h)).**
- 19 **(3) A corporation organized under IC 8-1-13.**
- 20 **(4) A corporation organized under IC 23-17 that:**
- 21 **(A) is an electric cooperative; and**
- 22 **(B) has at least one (1) member that is a corporation**
- 23 **organized under IC 8-1-13.**
- 24 **Sec. 4. A utility shall, not more than ninety (90) days before and**

1 **not less than seventy-five (75) days before a planned tree trimming,**
2 **notify each affected property owner of the exact date and estimated**
3 **time when the utility will perform the planned tree trimming.**

4 **Sec. 5. (a) The utility shall attempt to resolve any issues raised**
5 **by an affected property owner before the planned tree trimming.**

6 **(b) The utility shall inform the affected property owner of**
7 **alternatives to the planned tree trimming."**

8 Renumber all SECTIONS consecutively.

(Reference is to ESB 43 as printed February 22, 2008.)

Representative Crooks